

REMARKS

Claims 39, 41, 44-47, 50-55, 57-73 and 133-136 were pending in the Application prior to the outstanding Office Action. With this Amendment, claims 39, 41, 44-47, 50-55, 57-73 and 133-136 remain in the case.

Applicant thanks the Examiner for participating in a telephonic interview on 28 June 2006.

Examiner Interview Summary

A telephonic interview was held with Examiner Mei and the undersigned attorney on 28 June 2006. In the interview, claim 39 and the Terry reference were discussed. Applicant explained the processes executed at the server, and that the prior art of record does not teach such processes. The Examiner suggested amending the claim to clarify the "customer hearing profile." Applicant presents such amendments herein.

Rejection of claims 39, 44, 47, 50-55, 60-63, 65-67, 69-73, 133 and 134 under 35 U.S.C. §103(a)

The Examiner has rejected claims 39, 44, 47, 50-55, 60-63, 65-67, 69-73, 133 and 134 under 35 U.S.C. §103(a) as being unpatentable over Terry et al. (US 5,388,185) in view of Keen (US 5,638,438) and Miller et al. (US 6,036,496).

Applicant requests reconsideration in view of the amendment and the Examiner Interview. The independent claim 39 includes the following limitation not found in the combination of references:

executing an interface at a server or network of servers in a data network for selection of audio data products from, and for access to, a catalog of audio data products;

In Terry et al, the telephone switch combines a hearing profile with audio data in a telephone channel. The switch in Terry et al. does not execute an interface similar to that recited in claim 39. The Official Action does not take a position on what aspect of Terry et al. satisfies this limitation.

Furthermore, the combination of references relied upon by the Examiner does not teach process steps executed at the server or network of servers, for associated a customer hearing

profile with an audio data product selected using the interface as stated and clarified in the claim as amended.

Claims 44, 47, 50-55, 60-63, 65-67, 69-73, 133 and 134 depend from claim 39 as amended, and are believed allowable for at least the same reasons, and because of the unique combinations recited.

Accordingly, reconsideration of the rejection of claims 39, 40, 44, 47, 50-55, 60-63, 65-67, 69-73, 133 and 134 as amended is respectfully requested.

Rejection of claims 41, 57-59, 135 and 136 under 35 U.S.C. §103(a)

The Examiner has rejected claims 41, 57-59, 135 and 136 under 35 U.S.C. §103(a) as being unpatentable over Terry et al. (US 5,388,185) in view of Keen and Miller as applied to claim 39 above, and further in view of Moon et al. (US 6,433,801).

Applicant requests reconsideration in view of the amendment and the Examiner Interview. The independent claim 41 includes the following limitation not found in the combination of references:

executing an interface at a server or network of servers in a data network for selection of audio data products from, and for access to, a catalog of audio data products;

Furthermore, the combination of references relied upon by the Examiner does not teach process steps executed at the server or network of servers, for associated a customer hearing profile with an audio data product selected using the interface as stated and clarified in the claim as amended.

Claims 44, 57-59, 135 and 136 depend from claim 41 as amended, and are believed allowable for at least the same reasons, and because of the unique combinations recited.

Accordingly, reconsideration of the rejection of claims 41, 57-59, 135 and 136 as amended is respectfully requested.

Rejection of claim 64 under 35 U.S.C. §103(a)

The Examiner has rejected claim 64 under 35 U.S.C. §103(a) as being unpatentable over Terry et al. (US 5,388,185) in view of Keen (US 5,638,438) and Miller as applied to claim 39 above, and further in view of Zanchi (US 5,630,159).

Claim 64 depends from claim 39 as amended, and is believed allowable for at least the same reasons, and because of the unique combinations recited.

Rejection of claims 39, 47, 133 and 134 under 35 U.S.C. §103(a)

The Examiner has rejected claims 39, 47, 133 and 134 under 35 U.S.C. §103(a) as being unpatentable over Knappe et al. (US 6,061,431) in view of Keen (US 5,638,438) and Miller.

Applicant requests reconsideration in view of the amendment and the Examiner Interview. Knappe et al. describes a system for processing telephone calls with attributes of a hearing impaired user, like Terry et al. The independent claim 39 includes the following limitation not found in the combination of references based on Knappe et al.:

executing an interface at a server or network of servers in a data network for selection of audio data products from, and for access to, a catalog of audio data products;

Furthermore, the combination of references relied upon by the Examiner does not teach process steps executed at the server or network of servers, for associated a customer hearing profile with an audio data product selected using the interface as stated and clarified in the claim as amended.

Claims 47, 133 and 134 depend from claim 39 as amended, and are believed allowable for at least the same reasons, and because of the unique combinations recited.

Accordingly, reconsideration of the rejection of claims 39, 47, 133 and 134 as amended is respectfully requested.

Rejection of claims 44-46 and 68 under 35 U.S.C. §103(a)

The Examiner has rejected claims 44-46 and 68 under 35 U.S.C. §103(a) as being unpatentable over Knappe et al. (US 6,061,431) in view of Keen (US 5,638,438) and Miller, as applied to claim 39 above, and further in view of Kopke et al. (US 4,471,171).

Claims 44-46 and 68 depend from claim 39 as amended, and are believed allowable for at least the same reasons, and because of the unique combinations recited.

Accordingly, reconsideration of the rejection of claims 44-46 and 68 as amended is respectfully requested.

CONCLUSION

It is respectfully submitted that this application is now in condition for allowance, and such action is requested. If the Examiner believes a telephone conference would aid the prosecution of this case in any way, please call the undersigned at (650) 712-0340.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (RXSD 1000-1).

Respectfully submitted,

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Mark A. Haynes, Reg. No. 30,846

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
(650) 712-0340 phone
(650) 712-0263 fax